

REFERENCE TITLE: child passenger restraint systems

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2571**

Introduced by  
Representatives Chase, Downing, Senator Cannell: Representative Weiers JP

AN ACT

AMENDING SECTIONS 28-627 AND 28-909, ARIZONA REVISED STATUTES; RELATING TO TRAFFIC LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 28-627, Arizona Revised Statutes, is amended to  
3 read:

4           28-627. Powers of local authorities; definition

5       A. This chapter and chapters 4 and 5 of this title do not prohibit a  
6 local authority, with respect to streets and highways under its jurisdiction  
7 and within the reasonable exercise of the police power, from:

8           1. Regulating the standing or parking of vehicles.

9           2. Regulating traffic by means of police officers, traffic control  
10 signals or volunteer posse organization members authorized by the sheriff  
11 under section 11-441 for the purpose of directing traffic only.

12           3. Regulating or prohibiting processions or assemblages on the  
13 highways.

14           4. Designating particular highways as one-way highways and requiring  
15 that all vehicles on one-way highways be moved in one specific direction.

16           5. Regulating the speed of vehicles in public parks.

17           6. Designating any highway as a through highway and requiring that all  
18 vehicles stop before entering or crossing the highway or designating any  
19 intersection as a stop intersection and requiring all vehicles to stop at one  
20 or more entrances to the intersection.

21           7. Restricting the use of highways as authorized in section 28-1106.

22           8. Regulating the operation of bicycles and requiring the registration  
23 and licensing of bicycles, including the requirement of a registration fee.

24           9. Regulating or prohibiting the turning of vehicles or specified  
25 types of vehicles at intersections.

26           10. Altering the prima facie speed limits as authorized by this  
27 chapter.

28           11. Designating routes over streets and highways for vehicles not  
29 exceeding one hundred two inches in width, exclusive of safety equipment.

30           12. Adopting other traffic regulations that are specifically authorized  
31 by this chapter or chapter 4 or 5 of this title.

32           13. Designating routes on certain streets and highways for the purpose  
33 of allowing off-highway vehicle operators to gain access to or from a  
34 designated off-highway recreation facility as defined in section 28-1171,  
35 off-highway vehicle trail as defined in section 28-1171 or off-highway  
36 vehicle special event as defined in section 28-1171.

37           14. IN ADDITION TO THE PROVISIONS OF SECTION 28-909, REGULATING THE USE  
38 OF CHILD PASSENGER RESTRAINT SYSTEMS TO REQUIRE THE USE OF A BELT-POSITIONING  
39 SEAT, A BOOSTER SEAT OR THE APPROPRIATE CHILD RESTRAINT SYSTEM MEETING THE  
40 REQUIREMENTS OF 49 CODE OF FEDERAL REGULATIONS SECTION 571.213 FOR CHILDREN  
41 WHO ARE AT LEAST FIVE YEARS OF AGE AND WHO ARE UNDER NINE YEARS OF AGE. A  
42 LOCAL ORDINANCE ESTABLISHED TO REGULATE THE USE OF CHILD PASSENGER RESTRAINT  
43 SYSTEMS PURSUANT TO THIS PARAGRAPH SHALL NOT INCLUDE A CIVIL PENALTY THAT IS  
44 LESS THAN FIFTY DOLLARS OR THAT IS GREATER THAN ONE HUNDRED DOLLARS FOR A  
45 VIOLATION OF THE LOCAL ORDINANCE.

1       B. A local authority shall not erect or maintain a stop sign or  
2 traffic control signal at any location that requires the traffic on any state  
3 highway to stop before entering or crossing any intersecting highway unless  
4 approval in writing has first been obtained from the director.

5       C. An ordinance or regulation enacted under subsection A, paragraph 4,  
6 5, 6, 7, 9 or 10 of this section is not effective until signs giving notice  
7 of the local traffic regulations are posted on or at the entrances to the  
8 highway or part of the highway affected as is most appropriate.

9       D. The definition of motor vehicle prescribed in section 28-101 does  
10 not prevent a local authority from adopting ordinances that regulate or  
11 prohibit the operation of motorized skateboards, except that a local  
12 authority shall not adopt an ordinance that requires registration and  
13 licensing of motorized skateboards. For the purposes of this subsection,  
14 "motorized skateboard" means a self-propelled device that has a motor, a deck  
15 on which a person may ride and at least two tandem wheels in contact with the  
16 ground.

17       E. In addition to the appointment of peace officers, a local authority  
18 may provide by ordinance for the appointment of:

19           1. Unarmed police aides who are employed by the police department and  
20 who are empowered to commence an action or proceeding before a court or judge  
21 for a violation of the local authority's ordinances regulating the standing  
22 or parking of vehicles. The authority of the unarmed police aide as  
23 authorized in this section is limited to the enforcement of the ordinances of  
24 local authorities regulating the standing or parking of vehicles. Pursuant  
25 to rules established by the supreme court, an unarmed police aide appointed  
26 pursuant to this paragraph may serve any process originating out of a  
27 municipal court in the municipality in which the unarmed police aide is  
28 employed. Service of process under this paragraph shall only be made during  
29 the hours the municipal court is open for the transaction of business and  
30 only on court premises. This paragraph does not grant to unarmed police  
31 aides other powers or benefits to which peace officers of this state are  
32 entitled.

33           2. Traffic investigators who may:

34              (a) Investigate traffic accidents within the jurisdiction of the local  
35 authority.

36              (b) Commence an action or proceeding before a court or judge for any  
37 violation of a state statute or local ordinance relating to traffic, if the  
38 violation is related to a traffic accident within the jurisdiction of the  
39 local authority.

40              (c) Pursuant to rules established by the supreme court, serve any  
41 process originating out of a municipal court in the municipality in which the  
42 traffic investigator is employed. Service of process under ~~—~~ paragraph 1 of  
43 this subsection shall only be made during the hours the municipal court is  
44 open for the transaction of business and only on court premises.

1       F. A traffic investigator appointed pursuant to this section shall:  
2       1. Be unarmed at all times during the course of the traffic  
3       investigator's duties.

4           2. Be an employee of the appointing local authority.

5           3. File written reports as required pursuant to section 28-667.

6       G. Notwithstanding subsection E of this section, an unarmed police  
7 aide or a traffic investigator shall not serve any process resulting from a  
8 citation issued for a violation of section 28-644 or 28-701 or of a city or  
9 town ordinance for excessive speed or failure to obey a traffic control  
10 device that is obtained using automated enforcement technology.

11     H. This section does not grant other powers or benefits to traffic  
12 investigators to which peace officers of this state are entitled.

13     I. Pursuant to section 28-1092, a local authority shall provide  
14 reasonable access to and from terminals and service facilities on highways  
15 under its jurisdiction.

16     J. For the purposes of this section, "automated enforcement  
17 technology" means a camera or similar device used to detect a vehicle driving  
18 through an intersection on a red light or a device that detects excessive  
19 vehicle speed that triggers a camera to take a photograph.

20     Sec. 2. Section 28-909, Arizona Revised Statutes, is amended to read:

21       28-909. Vehicle restraints required; exceptions; civil penalty

22     A. Each front seat occupant of a motor vehicle that is designed for  
23 carrying ten or fewer passengers, that is manufactured for the model year  
24 1972 and thereafter and that is required to be equipped with an integrated  
25 lap and shoulder belt or a lap belt pursuant to the federal motor vehicle  
26 safety standards prescribed in 49 Code of Federal Regulations section 571.208  
27 shall either:

28           1. Have the lap and shoulder belt properly adjusted and fastened while  
29 the vehicle is in motion.

30           2. If only a lap belt is installed where the occupant is sitting, have  
31 the lap belt properly adjusted and fastened while the vehicle is in motion.

32     B. The operator of a motor vehicle that is designed for carrying ten  
33 or fewer passengers, that is manufactured for the model year 1972 and  
34 thereafter and that is required to be equipped with an integrated lap and  
35 shoulder belt or a lap belt pursuant to the federal motor vehicle safety  
36 standards prescribed in 49 Code of Federal Regulations section 571.208 shall  
37 require each passenger under sixteen years of age to either:

38           1. Have the lap and shoulder belt properly adjusted and fastened while  
39 the vehicle is in motion.

40           2. If only a lap belt is installed where the passenger is sitting, have  
41 the lap belt properly adjusted and fastened while the vehicle is in  
42 motion.

43     C. THE OPERATOR OF A MOTOR VEHICLE THAT IS DESIGNED FOR CARRYING TEN  
44 OR FEWER PASSENGERS, THAT IS MANUFACTURED FOR THE MODEL YEAR 1972 AND  
45 THEREAFTER AND THAT IS REQUIRED TO BE EQUIPPED WITH AN INTEGRATED LAP AND

1       SHOULDER BELT OR A LAP BELT PURSUANT TO THE FEDERAL MOTOR VEHICLE SAFETY  
2       STANDARDS PRESCRIBED IN 49 CODE OF FEDERAL REGULATIONS SECTION 571.208 SHALL  
3       REQUIRE EACH PASSENGER UNDER NINE YEARS OF AGE TO HAVE A BELT-POSITIONING  
4       SEAT, A BOOSTER SEAT OR THE APPROPRIATE CHILD RESTRAINT SYSTEM MEETING THE  
5       REQUIREMENTS OF 49 CODE OF FEDERAL REGULATIONS SECTION 571.213 FOR CHILDREN  
6       WHO ARE AT LEAST FIVE YEARS OF AGE AND WHO ARE UNDER NINE YEARS OF AGE.

7       ~~C.~~ D. A peace officer shall not stop or issue a citation to a person  
8       operating a motor vehicle on a highway in this state for a violation of this  
9       section unless the peace officer has reasonable cause to believe there is  
10      another alleged violation of a motor vehicle law of this state.

11      ~~D.~~ E. If a person is found responsible for a civil traffic violation  
12      under this section, a department or agency of this state shall not consider  
13      the violation for the purpose of determining whether the person's driver  
14      license should be suspended or revoked. A court shall not transmit abstracts  
15      of records of violations of this section to the department.

16      ~~E.~~ F. An insurer shall not consider a civil traffic violation under  
17      this section as a traffic violation against the person for the purposes of  
18      establishing rates for motor vehicle liability insurance or determining the  
19      insurability of the person. An insurer shall not cancel or refuse to renew  
20      any policy of insurance because of the violation.

21      ~~F.~~ G. This section does not apply to:  
22       1. A child subject to the requirements of section 28-907.  
23       2. A person possessing a written statement from a physician that the  
24       person is unable for medical or psychological reasons to wear a lap and  
25       shoulder belt or a lap belt.  
26       3. A letter carrier of the United States postal service while the  
27       letter carrier is performing the letter carrier's duties.

28      ~~G.~~ H. If a person is found responsible for a civil traffic violation  
29      under this section, the person is subject to a maximum civil penalty of ten  
30      dollars for each violation.